

STANDARD APPLICATION
Harford County
Board of Appeals
 Bel Air, Maryland 21014

MAR 3 2004

Case No. 5410
 Date Filed 3-2-04
 Hearing Date _____
 Receipt _____
 Fee 450.00

Shaded Areas for Office Use Only

Type of Application	Nature of Request and Section(s) of Code
<input type="checkbox"/> Administrative Decision/Interpretation <input type="checkbox"/> Special Exception <input type="checkbox"/> Use Variance <input type="checkbox"/> Change/Extension of Non-Conforming Use <input type="checkbox"/> Minor Area Variance <input type="checkbox"/> Area Variance <input type="checkbox"/> Variance from Requirements of the Code <input type="checkbox"/> Zoning Map/Drafting Correction	CASE 5410 MAP 33 TYPE Variance ELECTION DISTRICT 3 LOCATION 2712 Johnson Mill Road, Forest Hill, Md. 21050 BY Lester and Elizabeth Chambers Leung Appealed because a variance pursuant to Section 267-26D(7) of the Harford County Code to allow a barn for 2 or more horses to be less than 100 feet from a residential lot line (50 foot proposed) in a RR District requires approval by the Board.

NOTE: A pre-conference is required for property within the NRD/Critical Area or requests for an Integrated Community Shopping Center, a Planned Residential Development, mobile home park and Special Exceptions.

Applicant/Owner (please print or type)

Name Lester Leung & Elizabeth Chambers Leung Phone Number (410) 877-7772

Address 2712 Johnson Mill RD Forest Hill MD 21050
Street Number Street City State Zip Code

Co-Aplicant n/a Phone Number _____

Address _____
Street Number Street City State Zip Code

Contract Purchaser n/a Phone Number _____

Address _____
Street Number Street City State Zip Code

Attorney/Representative n/a Phone Number _____

Address _____
Street Number Street City State Zip Code

Land Description

Address and Location of Property 2712 Johnson Mill Road, Forest Hill, MD 21050

Subdivision Preserves at Colvard Manor

Lot Number _____

Acreage/Lot Size 16.24 ac

Election District 3

Zoning RR

Tax Map No. 0033

Grid No. 0003E

Parcel 0438

Water/Sewer: Private x

Public _____

List ALL structures on property and current use: home/dwelling

Estimated time required to present case: 45 minutes

If this Appeal is in reference to a Building Permit, state number _____

Would approval of this petition violate the covenants and restrictions for your property? no

Is this property located within the County's Chesapeake Bay Critical Area? Yes _____ No x

If so, what is the Critical Area Land Use designations: _____

Is this request the result of a zoning enforcement investigation? Yes _____ No x

Is this request within one (1) mile of any incorporated town limits? Yes _____ No x

Request

please see attached

Justification

please see attached

If additional space is needed, attach sheet to application. In answering the above questions, please refer to the Requirements that pertain to the type of approval request. (Special Exception, Variance, Critical Area or Natural Resource District (NRD) Variance, etc.)

Request

We are requesting a 50' setback variance from our property line for the placement of a garage/stable structure on our property, 2712 Johnson Mill Road, Forest Hill, MD. We have enclosed all necessary supporting documentation- permission granted by declarant of covenants, adjacent property owners' statements that they do not object to the 50' variance, plots and sketches of proposed structure. The proposed structure will be garage on one side (side facing closest property line) and stable on other side (side facing into property). Please see sketch for further clarification.

Justification

The request for the 50' variance is based on a number of topographical conditions unique to our property. Our property, 16.24 acres, is characterized by mostly NRD (Natural Resource Districts) due to Cabbage Run Stream. Additionally, the existing placement of our dwelling, well and swells created by the slope of our property limit the site of our proposed structure to a small area. Please see the attached plots that show the NRD, dwelling site, well, and swells existent on our property. The plots also show the former site of a barn structure on the property- our proposed site seeks to improve the former placement by taking into account buffer zones and erosion issues. Working with the guidance of the Maryland Cooperative (Agricultural) Extension office and Maryland Department of Natural Resources, we have attempted to propose a site that is least intrusive to the environment as well as one which will not be substantially detrimental to adjacent properties.

Thank you for reviewing our request.

OWNER	RECORD	DATE	RECORD	DATE
1	201-55	10/1/00	201-55	10/1/00
2	201-55	10/1/00	201-55	10/1/00
3	201-55	10/1/00	201-55	10/1/00
4	201-55	10/1/00	201-55	10/1/00
5	201-55	10/1/00	201-55	10/1/00
6	201-55	10/1/00	201-55	10/1/00
7	201-55	10/1/00	201-55	10/1/00
8	201-55	10/1/00	201-55	10/1/00
9	201-55	10/1/00	201-55	10/1/00
10	201-55	10/1/00	201-55	10/1/00

FINAL PLAT
COLLECTOR
201-55

JOHNSON MILL ROAD

ROAD IMPROVEMENT RAN 0.231 AC.

27120

50' MINIMUM BUILDING SETBACK LINE

LOT 1
2.968 AC

OTHER LAND OF
GEORGE C. REEVES, JR.
201-55

- SUBDIVISION DATA
- 1. Number of Lots: 1
 - 2. Area of Lot: 2.968 AC.
 - 3. Right of Way Area: 0.231 AC.
 - 4. Total Enclosed Area: 3.199 AC.
 - 5. Record of Survey Number: 201-55
 - 6. Present Zoning: RS
 - 7. Dead End Reference: 100' to 150' and 150' to 200'
 - 8. Approximate Tract Area on of 201-55: 147.4 AC.

APPROVED: DEPUTY STATE HEALTH OFFICER	DATE
APPROVED: DIR. DEPT. OF PARKS & RECREATION	DATE
APPROVED: DIR. DEPT. OF PUBLIC WORKS	DATE
APPROVED: DIR. DEPT. OF PLANNING & ZONING	DATE
APPROVED: SENIOR COUNTY ATTORNEY	DATE
APPROVED: HARBOR COUNTY, MARYLAND	DATE
COUNTY EXECUTIVE	DATE
DIRECTOR OF ADMINISTRATION	DATE

The Owner hereby grants to Harford County, Md. an easement for the construction, maintenance, repair and replacement of water, sewer and storm drainage systems and for the improvement of roads and road improvement rights of way as shown on this plat.

Unless otherwise provided on this plat, the streets, roads, open spaces and public sites shown herein and the location thereof are for the purpose of description only and the same are not to be construed as a grant of any right or interest in the land so shown is expressly reserved to the present owner of the land and his heirs and assigns. Nothing contained herein shall be construed to create any right or interest in the streets, roads, open spaces and public sites in favor of Harford County, Maryland.

No lot will be subdivided to produce a building site of less area or width than the minimum required by Harford County regulations of the County Health Officer.

George C. Reeves, Jr.
1/1/00
Date

May Ellen Reeves
1/1/00
Date

RECORDING STAMP

Rec'd for Record
at 1:11 o'clock P. M. Same day recorded in Liber C-54, No. 107, Folio 56

Plat Records of Harford County, Md. and examined per CHARLES G. HUGHES, CLERK



MORRIS & RITCHIE ASSOCIATES, INC.
ENGINEERS, ARCHITECTS, PLANNERS, SURVEYORS & LANDSCAPE ARCHITECTS
3445-A Box Hill Corporate Center Drive
Arlington, Maryland 20008
Phone: 703-555-0000
Fax: 703-555-0002

FINAL PLAT ONE
GEORGE C. REEVES PROPERTY
THIRD ELECTION DISTRICT - HARBOR COUNTY, MARYLAND
OWNERS:
GEORGE C. REEVES, et ux
49 CHESTNUT HILL ROAD
FOREST HILL, MARYLAND 21050

SCALE: 1"=50' DATE: 10/02 DRAWN BY: SSP REVIEWED BY: BPC JOB NO: 1001

MSA 550 1046-2075

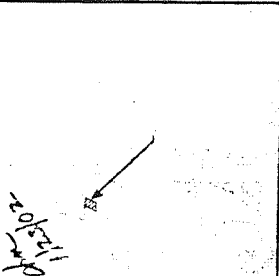
GRAPHIC SCALE 1"=50'

15 14 13 12 11 10 9 8 7 6 5 4 3 2 1

107-55

01-268

28-02



LOCATION MAP
NOT TO SCALE
Copyright AOC, The Map Page
Permitted Use No. 2200113

OTHER LAND OF
LINDA MARIE GRIFFIN
FINAL PLAT ONE - SECTION II
201-105-10

LAND OF
YOUNG FARM, LLC
201-105-04

I, Erich J. Schmitt, a Registered Professional Surveyor of the State of Maryland, hereby affirm and certify that the boundary lines of this plat were surveyed and located in accordance with the provisions of the Surveying Act of 1996, and that the survey was performed by myself or under my direct supervision and control.

Erich J. Schmitt
6/28/2002
RPLS No. 413

Driveway entrance construction and location to be approved by the Harford County Department of Public Works for any County Roads.

Minimum building setback lines are established by the Harford County Zoning Code and may vary from lot to lot in accordance with the provisions of the code.

Denotes the 40,000 sq. ft. Waste Disposal System Area. No construction within 30 feet of the boundary lines of the System Area is permitted without the approval of the County Health Department. Exceptions up to the Waste Disposal Area, but not within the System Area, are for existing structures and small physical structures (tool sheds, etc.).

A Plat Plan shall be submitted with the Sanitary Sewer System Application that indicates the approved well siting, location, and construction of the sanitary system area and existing well and/or sewage systems located within 100 feet of the lot boundaries.

Lot 1 may require the use of a sewage ejector pump.

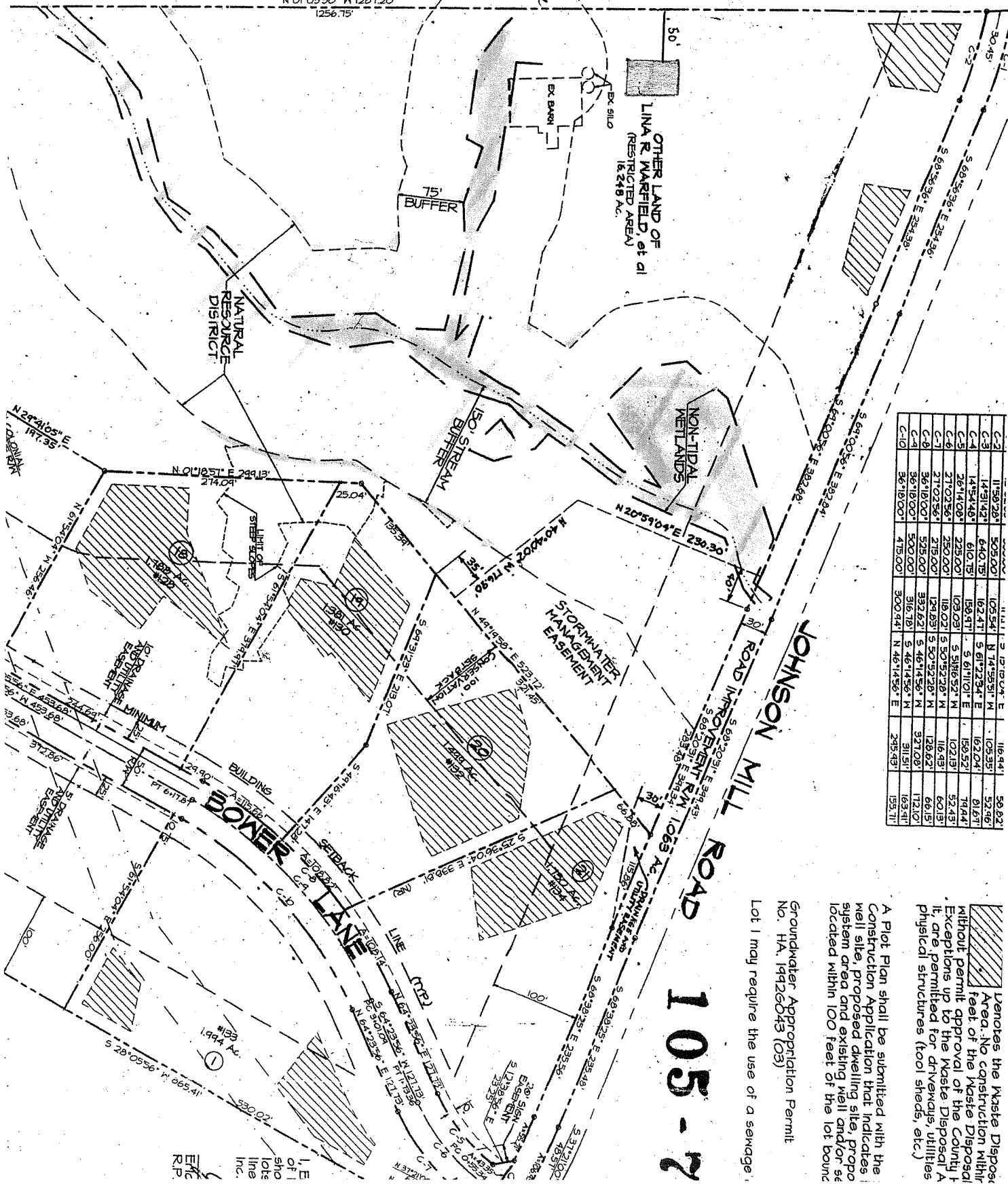
LAND OF
GEORGE C. REEVES
4/15/850

Proposed
Structure
(40x60x15H)

NRD - Nonbuildable

Possible building
area

N 01°03'30" W 1281.20'
1256.75'



C-2	11°50'23" E	505.00'	105.54'	N 12°18'04" E	116.94'	50.82'
C-3	14°31'42" E	640.18'	105.54'	N 12°18'04" E	105.54'	52.96'
C-4	14°54'48" E	610.15'	105.54'	N 12°18'04" E	105.54'	52.96'
C-5	26°14'08" E	225.00'	105.54'	N 12°18'04" E	105.54'	52.96'
C-6	27°02'56" E	250.00'	105.54'	N 12°18'04" E	105.54'	52.96'
C-7	27°02'56" E	250.00'	105.54'	N 12°18'04" E	105.54'	52.96'
C-8	36°18'00" E	525.00'	105.54'	N 12°18'04" E	105.54'	52.96'
C-9	36°18'00" E	525.00'	105.54'	N 12°18'04" E	105.54'	52.96'
C-10	36°18'00" E	525.00'	105.54'	N 12°18'04" E	105.54'	52.96'

Denotes the Waste Disposal Area. No construction within feet of the Waste Disposal Area without permit approval of the County. Exceptions up to the Waste Disposal Area are permitted for driveways, utilities physical structures (tool sheds, etc.)

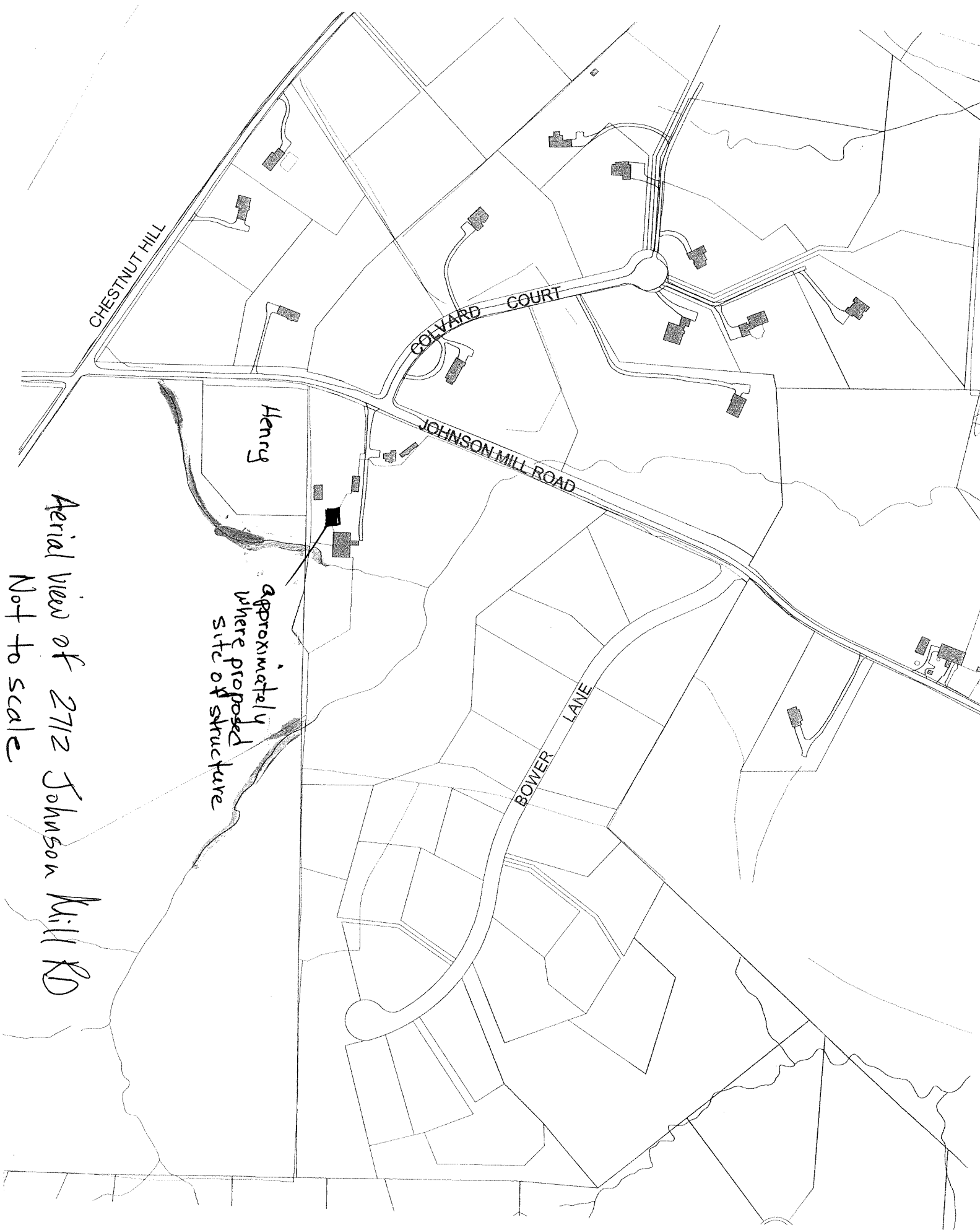
A Plot Plan shall be submitted with the Construction Application that indicates well site, proposed dwelling site, proposed system area and existing well and/or se located within 100 feet of the lot boundary.

Groundwater Appropriation Permit No. HA. 14926043 (03)

Lot 1 may require the use of a sewage

JOHNSON MILL ROAD 105-2

1, E
of
sho
lot
line
inc.
RD.
RD.



Aerial view of 2712 Johnson Mill Rd
Not to scale

JAMES M. HARKINS

HARFORD COUNTY EXECUTIVE

JOHN J. O'NEILL, JR.
DIRECTOR OF ADMINISTRATION



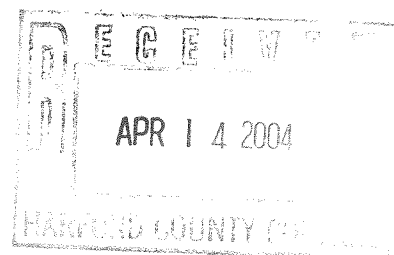
J. STEVEN KAIL-ZIEGLER
DIRECTOR OF PLANNING & ZONING

HARFORD COUNTY GOVERNMENT

Department of Planning and Zoning

April 13, 2004

STAFF REPORT



BOARD OF APPEALS CASE NO. 5410

APPLICANT/OWNER: Lester Leung and Elizabeth Chambers Leung
2712 Johnson Mill Road, Forest Hill, Maryland 21050

REPRESENTATIVE: Applicants

LOCATION: 2712 Johnson Mill Road/Preserves at Colvard Manor
Tax Map: 33 / Grid: 3E / Parcel: 0438 / Lot: Remaining Lands
Election District: 3

ACREAGE: 16.24 acres

ZONING: RR/Rural Residential

DATE FILED: March 2, 2004

HEARING DATE: April 28, 2004

APPLICANTS' REQUEST and JUSTIFICATION:

See Attachment 1.

CODE REQUIREMENTS:

The Applicants are requesting a variance pursuant to Section 267-26D(7) of the Harford County Code to allow a barn for two or more horses to be less than 100-feet from a residential lot line (50-foot proposed) in an RR/Rural Residential District.

Preserving our values, protecting our future

MY DIRECT PHONE NUMBER IS (410) 638-3103

220 SOUTH MAIN STREET BEL AIR, MARYLAND 21014 410-638-3000 • 410-879-2000 • TTY 410-638-3086 • www.co.ha.md.us

This document is available in alternative format upon request.

STAFF REPORT

Board of Appeals Case Number 5410

Lester & Elizabeth Chambers Leung

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Section 267-26D(7) of the Harford County Code reads:

Private horse stables, provided that any stables, corrals, feeding or bedding areas for two (2) or more horses shall be located at least fifty (50) feet from any public road or nonresidential lot line and one hundred (100) feet from any residential lot line. Pastures, when fenced, may extend to the lot line.

LAND USE and ZONING ANALYSIS:

Land Use – Master Plan:

The subject property is located north of Forest Hill in the Colvard Manor subdivision. The development is located on the north and south sides of Johnson Mill Road, east of Chestnut Hill Road. The Applicants' lot is situated on the south side of Johnson Mill Road. A location map and a copy of the Applicants' site plan are enclosed with the report (Attachments 2 and 3).

The subject property is located outside of the Development Envelope. The primary land use designations in the area are Rural Residential and Agricultural/AG Residential. The Natural Features Map reflects Deer Creek Scenic River District, parks and stream buffer systems. The subject property is designated as Rural Residential, which is defined by the 1996 Master Plan as:

Rural Residential – Areas of focused rural development within the agricultural area, which allow low intensity residential opportunities while maintaining the character of the surrounding countryside. Water and sewer services are not planned for these areas. Residential density is limited to 1.0 dwelling unit per 2 acres.

Enclosed with the report are copies of portions of the 1996 Land Use Map and the Natural Features Map (Attachments 4 and 5).

Land Use – Existing:

The existing land uses in this area of the County conform to the overall intent of the 1996 Master Plan. The area includes a mix of Agricultural and Residential uses. The overall topography of the area ranges from rolling to steep, especially near the stream valleys (Attachment 6). Enclosed with the report is a copy of the aerial photograph (Attachment 7).

The subject property is part of the Colvard Manor subdivision, which is a single-family residential development improved with large, custom-built homes. This property is the remaining lands of the original farm and consists of approximately 16.24 acres. The improvements include a large brick and frame dwelling with attached two-car garage, and a blacktopped driveway with parking and turning area to the right side of the dwelling. The area around the dwelling is nicely landscaped with large, mature trees within the front yard. The well is in the front of the house and the septic system is in the rear. The balance of the property is an open pasture field with a stream that traverses the center of the land. The topography of the site ranges from rolling to steep. The existing barn shown on the site plan has been removed.

STAFF REPORT

Board of Appeals Case Number 5410

Lester & Elizabeth Chambers Leung

Page 3 of 3

Enclosed with the report are site photographs along with an enlargement of the aerial photograph (Attachments 8 and 9).

Zoning:

The zoning classifications conform to the intent of the 1996 Master Plan as well as the existing land uses. The predominant zoning classifications include AG/Agricultural and RR/Rural Residential. The subject property is zoned RR/Rural Residential as shown on the enclosed copy of the zoning map (Attachment 10).

SUMMARY:

The Applicants are requesting a variance pursuant to Section 267-26D(7) of the Harford County Code to allow a barn for two or more horses to be less than 100-feet from a residential lot line (50-foot proposed) in an RR/Rural Residential District.

Variances of this nature may be approved by the Board of Appeals pursuant to Section 267-11 of the Harford County Code, provided it finds by reason of the uniqueness of the property or topographical conditions that literal enforcement of the Code would result in practical difficulty and undue hardship. Further, the Applicants must show that the request will not be substantially detrimental to adjacent properties or will not materially impair the purpose of the Code or the public interest.

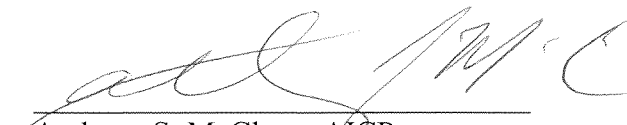
The Department finds that the subject property is unique. A substantial portion of the property is designated as Natural Resource District due to the existing stream and wetlands. The topography of the site along with the environmental features and existing improvements severely limit the buildable area of the lot.

The Applicants have provided statements from adjacent property owners indicating that they do not object to the placement of the proposed building within 50-feet of the property line (Attachments 11 and 12). The Applicants have also submitted a statement indicating that the proposal meets the covenants and restrictions for the development (Attachment 13).

RECOMMENDATION and or SUGGESTED CONDITIONS:

The Department of Planning and Zoning recommends that the variance be approved subject to the Applicants obtaining all necessary permits and inspections for the building.


Dennis J. Sigler, Coordinator
Zoning & Board of Appeals Review


Anthony S. McClune, AICP
Deputy Director, Planning and Zoning

DJS/ASM/ka